

HOUSE BILL 497

M1, B5

(11r1525)

ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Conway and Otto**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Somers Cove Marina Commission – Procurement of**
3 **Capital Projects**

4 FOR the purpose of authorizing the Executive Director of the Somers Cove Marina to
5 procure certain capital improvement, design, and maintenance projects;
6 requiring the Executive Director to follow certain procurement procedures *and*
7 *make certain procurements in accordance with certain provisions of the*
8 *procurement law* under certain circumstances; ~~providing that certain~~
9 ~~procurements with an expected value that exceeds a certain amount are~~
10 ~~governed by certain provisions of the procurement law;~~ *requiring the Executive*
11 *Director to submit certain procurements to the Board of Public Works for*
12 *approval;* and generally relating to ~~the procurement of capital improvement,~~
13 ~~design, and maintenance projects~~ for the Somers Cove Marina.

14 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Natural Resources
2 Section 5–908.1(b)(1)
3 Annotated Code of Maryland
4 (2005 Replacement Volume and 2010 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Natural Resources
7 Section 5–908.1(f)
8 Annotated Code of Maryland
9 (2005 Replacement Volume and 2010 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Natural Resources**

13 5–908.1.

14 (b) (1) (i) There is a Somers Cove Marina Commission.

15 (ii) The Commission is a body politic and corporate and an
16 instrumentality of the State.

17 (f) (1) Except as provided in paragraph (6) of this subsection, the
18 Executive Director shall procure goods, [and] services, **AND CAPITAL**
19 **IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS** in accordance with the
20 requirements of this subsection.

21 (2) For goods, [and] services, **AND CAPITAL IMPROVEMENT,**
22 **DESIGN, AND MAINTENANCE PROJECTS** with an expected value of \$1,000 to \$5,000,
23 the Executive Director shall:

24 (i) Make a written or telephone request for bids;

25 (ii) Evaluate the bids; and

26 (iii) Award the contract to the responsible bidder that submits
27 the responsive bid that is the lowest bid price.

28 (3) For goods, [and] services, **AND CAPITAL IMPROVEMENT,**
29 **DESIGN, AND MAINTENANCE PROJECTS** with an expected value of ~~more than~~ \$5,000
30 **TO \$200,000**, the Executive Director shall:

31 (i) Advertise the solicitation in a local newspaper and on the
32 Somerset County website;

- 1 (ii) Issue invitations for bids to all known prospective vendors;
- 2 (iii) Tabulate and evaluate the bids;
- 3 (iv) Select for award the responsible bidder who submits the
4 responsive bid that is the lowest bid price; and
- 5 (v) Submit the proposed award to the Commission for review
6 and approval.

7 **(4) THE EXECUTIVE DIRECTOR SHALL PROCURE GOODS,**
8 **SERVICES, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS**
9 **WITH AN EXPECTED VALUE EXCEEDING \$200,000 IN ACCORDANCE WITH**
10 **DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

11 **(5) FOR GOODS, SERVICES, AND CAPITAL IMPROVEMENT, DESIGN,**
12 **AND MAINTENANCE PROJECTS FUNDED BY THE PROCEEDS FROM STATE BONDS,**
13 **THE EXECUTIVE DIRECTOR SHALL SUBMIT THE PROPOSED AWARD TO THE**
14 **BOARD OF PUBLIC WORKS FOR APPROVAL.**

15 ~~(4)~~ **(6)** For an emergency procurement that the Executive Director
16 determines to be necessary to avoid or mitigate serious damage to public health,
17 safety, or welfare, the Executive Director shall:

18 (i) Obtain as much competition as possible under the
19 circumstances; and

20 (ii) After awarding the procurement contract, submit to the
21 Commission and the Secretary a written report that gives the justification for the use
22 of the emergency procurement procedure.

23 ~~(5)~~ **(7)** The Executive Director shall adopt a procurement policy
24 that includes provisions for minority- and women-owned business participation.

25 ~~(6)~~ **(8)** ~~(4)~~ This subsection does not apply to procurement in
26 support of enterprise activities for the purpose of direct resale or remanufacture and
27 subsequent resale.

28 ~~(H) PROCUREMENT OF GOODS, SERVICES, CAPITAL~~
29 ~~IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS WITH AN EXPECTED~~
30 ~~VALUE EXCEEDING \$200,000 IS GOVERNED BY DIVISION II OF THE STATE~~
31 ~~FINANCE AND PROCUREMENT ARTICLE.~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2011.